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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/746,507  | 12/26/2000  | Gary J. Dennis       | BS99-202            | 9792             |
| 28970   | 7590        | 11/19/2003           | EXAMINER            |                  |
| SHAW PITTMAN<br>IP GROUP<br>1650 TYSONS BOULEVARD<br>SUITE 1300<br>MCLEAN, VA 22102 |             |                      | DIXON, THOMAS A     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3629                |                  |

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/746,507             | DENNIS ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Thomas A. Dixon        | 3629                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09/10/03.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19, 22 and 25 is/are pending in the application.
- 4a) Of the above claim(s) 20, 21, 23 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19, 22, 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment / Arguments***

1. Claims 20-21 and 23-24 have been cancelled.
2. In response to applicant's argument that peters fails to teach or disclose anything having to do with a technician, Peters was used to show that use of email on computers is well known, Rutkowski is relied upon to teach technicians and their use of computers, such as Telxon transmitters or laptop computers or the like, see column 12, lines 19-42 to perform the ordering of new products or services in addition to performing service calls at the customer's location. It would have been obvious to use email on the technician's laptop computer as a common method of communication between computers.
3. FieldCentrix further teaches a system for field service personnel to communicate between a customer's location and a dispatcher/service center.
4. In response to applicant's argument that Ullrich fails to teach or disclose technicians initiating a request, Ullrich was used to show that on-screen menus of products are well known. Rutkowski reveals technicians use of computers such as Telxon transmitters or laptop computers or the like, see column 12, lines 19-42 to perform the ordering of new products or services in addition to performing service calls at the customer's location. Rutkowski's databases, see figure 6, contain data regarding customers, their current level of service, recent pay-per-view purchases and current promotional items. Rutkowski does not limit technicians in requests for data or display of data, but does not explicitly disclose display of the promotion. The technician's request

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for information could return the data related to current promotion, which is seen to be a list. It would have been obvious to display a list of services on the technician's laptop computer simply as a reply to a request, but also as taught by Ullrich to take advantage of impulse purchases.

5. Further, as per claim 1, and dependent system claims, the display of a list is seen to be non-functional descriptive material and has no patentable weight, and as the laptop computers of Rutkowski are known to have displays anything can be displayed as a trivial matter.

***Claim Rejections - 35 USC § 103***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102/103 that form the basis for the rejections under this section made in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 7-13 16-19, 22, 25 are rejected under 35 U.S.C. 103(a) as being anticipated by Rutkowski et al (5,826,270) in view of obviousness or Ulrich et al (5,583,937).

As per Claims 1 and 11.

Rutkowski et al ('270) discloses:

a dispatch division for receiving information related to a problem experienced by a customer, see figure 3 (50) and for deploying a technician requested by the customer in response to the information, wherein the technician is employed by a company which provides service to the customer, see column 7, lines 11-37;

a computer accessible by the technician to initiate a communication with the company via a communications network when the technician receives a request from the customer for a transaction different from the problem, see column 1, lines 19-59, column 5, lines 57-61, column 9, lines 9-26, column 12, lines 26-59 and column 14, lines 25-43;

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wherein the company, in response to the communication from the technician uses the information related to the customer to generate a customer request and communicates the customer's request to the company using the communications network, see figure 1 (305, 345), column 5, lines 54-64, column 12, lines 26-59 and column 14, lines 25-43.

Rutkowski et al ('270) does not specifically disclose a list of products, services or features displayed on the technician's computer.

Rutkowski's disclosed databases, see figure 6, contain data regarding customers, their current level of service, recent pay-per-view purchases and current promotional items. Rutkowski does not limit technicians in requests for data or display of data, but does not explicitly disclose display of the promotion. The technician's request for information could return the data related to current promotion, which is seen to be a list of products that are available to the customer. It would have been obvious to one of ordinary skill at the time the invention was made to display a list of services on the technician's laptop computer simply as a reply to a request for the benefit of taking advantage of impulse purchases by customers.

Alternately, Ulrich et al ('937) teaches a computer generated menu of products available to subscribers, see column 4, line 51 – column 5, line 14, for the benefit of offering nearly on-demand programming to take advantage of impulse purchases.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the invention of Rutowski et al ('270), if necessary, to display a list of products available to take advantage of impulse purchases.

As per Claims 2, 9, 10, and 18-19.

Rutkowski et al ('270) further discloses the company receives the request and automatically processes the request and modifies the customer's account, see column 5, lines 54-64.

As per Claims 3 and 12.

Rutkowski et al ('270) further discloses the communications network is wireless, see column 9, line 49 – column 10, line 6.

As per Claims 4 and 13.

Rutkowski et al ('270) further discloses the communications network is a wire line, see column 9, line 65 – column 10, line 6.

As per Claims 7 and 16.

Rutkowski et al ('270) further discloses the transaction includes the sale of a service, see column 9, lines 9-23.

As per Claims 8 and 17.

Rutkowski et al ('270) further discloses the transaction includes the sale of a product, see column 9, lines 9-23.

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As per Claims 22, 25.

Rutkowski et al ('270) further discloses the use of an Automatic Number Indicator interface which automatically generates information, see column 3, lines 62-65.

7. Claims 5-7, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutkowski et al (5,826,270) in view of Peters et al (5,696,906) and FieldCentrix....

As per Claim 5.

Rutkowski et al ('270) further discloses the system may convert the message into a format readable by other devices, see column 9, lines 27-36.

Rutkowski et al ('270) does not specifically disclose email sent to the technician's supervisor.

Peters et al ('906) discloses enabling ancillary services such as email services in a cable television system, see abstract and FieldCentrix teaches sending email to the Sales department for the benefit of providing an integrated computer system for account management.

The limitation of sending to the Supervisor is seen to be non-functional descriptive material which will not distinguish the invention from the prior art in terms of patentability, see *In re Gulack* 703 F.2d 1381, 1385, 217 USPQ 401, 101 (Fed. Cir. 1983).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to email a message to the Sales department as taught by Peters et al ('906) and FieldCentrix or to any other recipient in the invention of Rutowski et al ('270) to produce an integrated computer system for account management.

As per Claims 6-7 and 14-15.

Rutkowski et al ('270) further discloses the system may convert the message into a format readable by other devices, see column 9, lines 27-36.

Rutkowski et al ('270) does not specifically disclose email.

Peters et al ('906) discloses enabling ancillary services such as email services in a cable television system, see abstract and FieldCentrix teaches sending email to the Sales department for the benefit of providing an integrated computer system for account management.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to email a message as taught by Peters et al ('906) and FieldCentrix in the invention of Rutowski et al ('270) to produce an integrated computer system for account management.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read "Thomas A. Dixon".

Thomas A. Dixon  
Examiner  
Art Unit 3629

November 18, 2003